

Changes to Drinking Water Rules

Supplying Water to the Public

[R 325.10101 to R 325.12820](#) (Rule 101 to Rule 2820) promulgated under the Safe Drinking Water Act 1976 PA 399, MCL §§325.1001 to 325.1023

Emergency Response Plan (ERP), Formerly Titled Contingency Plan (Rules 2301-2304)

- Applies to all Community Water Supplies (CWS).
- Previously waived CWS have until December 4, 2012 to prepare an ERP. These CWS are:
 - Manufactured housing communities (MHC) and health care facilities.
 - CWS serving fewer than 50 living units or fewer than 200 people.
- All other CWS must comply with the new ERP requirements in accordance with the frequency for updating their existing contingency plan which should be identified in the plan.
- For CWS serving 3,300 or more people, the existing ERP prepared for the federal Bioterrorism and Public Health Security Act of 2002 should suffice. These CWS may merge the information contained in the existing contingency plan with their federally mandated ERP to create a single document, hereafter known as an ERP.
- For CWS serving fewer than 3,300 that have not voluntarily completed an ERP, the biggest change is to include actions, procedures, and an identification of equipment which can significantly lessen the impact of terrorist acts or other intentional actions on the safety and supply of drinking water provided to the public, such as:
 - Roles and responsibilities for waterworks personnel in an emergency.
 - An inventory of emergency response equipment, first aid supplies, replacement equipment, chemicals, and other materials readily available for correction of problems.
 - Operational procedures to be implemented in an emergency, including emergency treatment measures in the event of contamination, mutual aid agreements with other public water supplies, personnel safety measures such as evacuation plans and lock down procedures, and water sampling and monitoring plans to identify potential public health threats.
 - Identification of alternate water sources available in a short-term situation as well as for a long-term duration, such as a plan for interconnection with adjacent public water supplies or agreements with water haulers in the event of waterworks system failures or loss of pressure.
 - Both internal and external communication procedures in an emergency, including means to notify customers or users of a public water supply affected by an emergency. Public notification shall include a description of precautions or measures to be taken to protect the health of those customers or users.

General Plan (Rules 1601-1606)

- Applies to all CWS. These previously waived CWS that existed before December 4, 2009 must comply by January 1, 2016:
 - Manufactured housing communities and health care facilities.
 - CWS serving fewer than 50 living units or fewer than 200 people.
- A previously submitted plan is acceptable unless the plan is inadequate or outdated.
- New requirements for CWS having distribution systems intended to provide fire protection:
 - A hydraulic analysis of the distribution system showing pressure contours under peak demands.
 - An inventory of water main by size and material and age.
 - Service area maps including existing and future service area boundaries.

- New requirements for publicly owned or operated CWS
 - Capital improvements plan (CIP) that identifies needs for 5- and 20-year planning periods. A publicly owned CWS that existed before December 4, 2009 must provide a CIP by January 1, 2016.
 - The General Plan may also include the current reliability study, annual pumpage report, sample siting plan, source water protection plan, water conservation/efficiency program, waterworks operation and maintenance programs, regional planning documents, and relevant zoning and land use plans for the service area

Reliability Study (Rule 1203)

- Applies to all CWS.
- Content:
 - Basic planning data: current population, number of service connections and equivalent residential units.
 - 5- and 20-year planning period replaces 10-year planning period showing sufficient water production and consumption data to identify trends including additional production and consumption data requirements:
 - Monthly and annual production totals for each source, including water purchased from another public water supply.
 - Annual usage totals for water supplied to other public water supplies.
 - Annual usage totals for each customer class as determined by the public water supply.
 - A water shortage response plan for emergencies.
- Update frequency remains every 5 years unless water use projections are stable **and the requirement is waived in writing by the department.**
- An updated study submitted before December 4, 2011 (within 2 years of these rule changes) that complies with former requirements without addressing the new ones may be considered acceptable.

Standby Power (Rule 1206)

- Applies to all CWS serving 100 or more living units. A group living facility with 200 or more beds based on full capacity is equivalent to 100 or more living units.
- Compliance for CWS where this requirement was previously waived CWS is January 1, 2016. Previously waived CWS include:
 - MHC and health care facilities that serve 100 or more living units.
 - Other CWS that serve 100 or more living units and fewer than 200 people.
- CWS serving 50 to 99 living units that have standby power will no longer be required to do so, but are encouraged to maintain their facilities to avoid the public health threat posed by system wide pressure losses.

Private Ownership Provisions (Rules 1701-1712, Rescinded Rule 1713):

- Escrow (Rules 1703(2)(c)(ii), 1707 and 1708):
 - Escrow does not apply to CWS that are licensed facilities, such as MHC and health care facilities (no change). Escrow applies to all other privately owned CWS (no change).
 - Escrow calculations are revised from \$100 to \$500 per living unit. The minimum escrow fund amount is raised from \$5,000 to \$10,000 per CWS.
 - A CWS that has an escrow fund and increases the number of living units shall recalculate the escrow amount based on the total number of living units and increase its escrow fund accordingly. Conversely, a CWS that has had its escrow released back to it is not required to reestablish an escrow when it increases the number of living units.

- The escrow fund of the seller will be released to the seller. An escrow fund must be established by a new owner (no change – clarified rule language).
- The CWS must obtain an alternate escrow fund within 30 days of notification of the financial institution's intent to terminate the escrow fund.
- Other private ownership provisions apply to a new CWS, a new owner of an existing CWS, and a public water supply whose classification under part 5 of the rules changes to type I (becomes a CWS):
 - Obtain local unit of government refusal to own or operate the water system (no change).
 - Stipulate to certain conditions on a form provided by the department (**replaces administrative consent order**).

Operator Training and Certification Requirements (Rules 1906a, 1915, and 1917):

Operators holding level 1, 2, 3, or 4 certificates that receive or renew their certification on or after December 4, 2009 must earn training hours in managerial and technical subjects to be eligible to renew in the following training cycle. A site specific, restricted certification may be issued to an operator on a case by case basis. The department may deny an exam application to an individual or place on probation, suspend, or revoke the certificate of an operator under certain expanded circumstances.

Other Changes:

- A CWS with distribution system pumping installations that provide service to fewer than 50 service connections or fewer than 200 individuals must meet capacity and redundancy requirements of other CWS by January 1, 2016 (Rule 1010).
- Source water protection amendments establish rules to disburse grants to eligible CWS to protect their surface water sources (Rules 2801-2820).
- A hydrogeological study may include a well delineation based on ground water flow simulations using a computer model approved by the department (Rules 812-815). Collection of stream flow measurements may be required when an adverse resource impact is likely to occur (Rule 813). Both raw and finished water sampling taps must be available (Rule 828).
- Disinfectant levels must be normal and total coliform must be undetected before infrastructure is put in service following installation, repair, or seasonal closing (Rules 831, 1110, and 1117).
- The capacity of distribution systems has been modified from “sufficient” capacity to meet peak demands while continuously maintaining positive pressure adequate for service. The rule now specifies minimum acceptable pressures as 35 psi under normal operating conditions and 20 psi during emergencies such as fire fighting (Rule 1105).

Four Federal Rules Adopted:

- Ground Water Rule (Rules 612-612b, 739-739b).
- Long Term 1 Enhanced Surface Water Treatment Rule (Rules 611d-611n, 720b-720e).
- Lead and Copper Rule Short Term Revisions (Rules 604f, 710a-710d).
- Stage 2 Disinfectants and Disinfection Byproducts Rule (Rules 610d, 719h-719n).